

REMARKS

This is in response to the Office Action mailed on June 18, 2004, and the references cited therewith.

Claims 1, 13 and 15 are amended. Claims 1-20 are now pending in this application.

Specification

The specification has been amended on page 3 as required.

Claim Objections

Claim 13 has been amended solely to correct its dependency.

§103 Rejection of the Claims

Claims 16-20 were rejected under 35 USC § 103(a) as being unpatentable over Jachowski (US 4,726,071) and further in view of Hicks et al. (US 6,160,460). This rejection is respectfully traversed, as each and every element of the claims are not shown or disclosed.

The references describe self-tuning based on the frequency of the signal that is being transmitted. This in effect teaches away from using a command from a remote location, as claimed in each of the independent claims.

Jachowski “automatically self-tunes its resonant frequency to the frequency of an exciting signal fed into the cavity.” Col. 2, lines 13-15. Claim 16 specifically recites a receiver that receives tuning commands from a remote location, and a tuning plate and telescoping tuning housing responsive to the receiver. There is no teaching in Jachowski of such tuning commands, only that the cavity automatically self-tunes to the frequency of the exciting signal.

The Office Action “equates microprocessor generated motor control pulses applied to the stepper motor” in (Col. 2, lines 58-59) as tuning commands in combination with “having its transmitter signal frequencies remotely changed”. This assertion is respectfully traversed. Jachowski is self-tuning, and does not use tuning commands. In Jachowski, the “self-tuning tuned cavity ... senses power reflected from the cavity and power incident to the cavity and, in response to the sensed reflected power and incident power, determines whether the cavity needs

tuning and generates motor control signals to control the rotation of a motor that displaces a tuning element located inside of the tuned cavity in such a way as to reduce the reflected power, thereby tuning the resonant frequency of the cavity to the frequency of the incident power signal,..." Col. 2, lines 35-45. There is no description of a receiver that receives tuning commands, much less tuning commands from a remote location as claimed in claim 16. The sensed power in Jachowski is from within the cavity, not remote. It is also clearly not a command as that term is used and described in the current application. Since at least one element of the claim is lacking in the references, a proper prima facie case of obviousness has not been established, and the rejection should be withdrawn.

The Office Action combines Joachowski with Hicks et al., which is stated as providing a tuning plate and telescoping housing. Applicant has not been able to find within Hicks et al., reference to a telescoping housing. Further, both references describe the ability to react to frequencies presented at their inputs, and adapt the resonant cavity to resonate at that frequency. Nowhere in either of the references is there a receiver that receives tuning commands from a remote location, and then has both a tuning plate and telescoping housing responsive to the receiver. A tuning command is quite different. A tuning command tells the cavity what frequency it should resonate at. There is no need to provide a signal at that frequency in order for the cavity to self-tune as in the references.

Claims 1-7 and 15 were rejected under 35 USC § 103(a) as being unpatentable over Jachowski (US 4,726,071) in view of Hicks et al. (US 6,160,460) in further view of Turunen et al. (US Re. 34,8989) and further in view of Mazur et al. (US 6,463,054). This rejection is respectfully traversed, as claims 1 and 15 have been amended to clarify that a tuning command is used. Since none of the references describe the use of such a tuning command to change a cavity frequency, the claims are believed patentable over the references. Reconsideration and allowance is respectfully requested.

Claims 8, 12 and 13 were rejected under 35 USC § 103(a) as being unpatentable over Jachowski (US 4,726,071) in view of Hicks et al. (US 6,160,460) in view of Turunen et al. (US Re. 34,898) in view of Mazur et al. and in further view of Marchetto et al. (US 5,418,818). The

rejection is respectfully traversed, as none of the references describes the use of a move command from a location remote from the base station fsto change the frequency of a cavity as claimed.

Claims 9-11 were rejected under 35 USC § 103(a) as being unpatentable over Jachowski, Hicks et al., Turunen et al., Mazur et al., and Marchetto et al. and further in view of Blachier et al. (US 3,697,898). This rejection is respectfully traversed. Since these claims depend from claim 8 which is believed allowable as described above, claims 9-11 should similarly be allowable.

Allowable Subject Matter

Claim 14 has been allowed.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6972 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

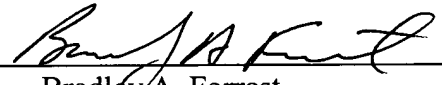
Respectfully submitted,

ERIC S. FAYESKI ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6972

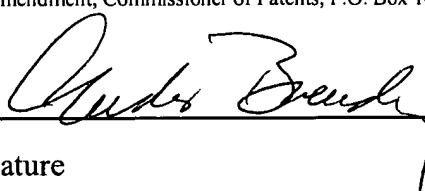
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By 
Bradley A. Forrest
Reg. No. 30,837

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